REMARKS/ARGUMENTS

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are currently pending in the application. Claims 23-31 have been withdrawn with traverse as the result of a restriction requirement. Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 were rejected in the Office Action mailed February 9, 2007 (hereinafter referred to as "Office Action"). It is believed that no fees are due at this time. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 101

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 were rejected in the Office Action under 35 U.S.C. § 101 because the claimed invention is allegedly inoperative and therefore lacks utility. More specifically, the Office Action states that claims 1, 12, 20 and 32 contain the phrase "all the records are linked to one another in a dual closed loop structure" which makes the claimed invention inoperative "[s]ince all the records have to be linked to one another and dual closed loops are not connected to each other, it is not possible to link all the records together in a dual closed loop structure." Applicant respectfully disagrees.

Throughout the specification, applicant describes various closed loops relating to an infrastructure:

(1)   a hierarchical fashion patterned after the actual connections in the infrastructure (e.g., business interconnection rules) (see e.g., Paragraphs [0004]-[0007], [0023]-[0025], [0027], [0033]-[0034], [0038], [0052], [0056], [0058]-[0063], [0066]-[0067], [0069], [0076], [0084]; FIGURES 3A, 4A, 4B, 4D and 6A);

(2)   a life cycle (see e.g., Paragraphs [0004], [0023], [0027], [0032], [0042], [0053], [0070]-[0071]; FIGURES 5 and 6A); and

(3)   a relationship to people (see e.g., Paragraphs [0004], [0023], [0035], [0038]-[0039], [0053]; FIGURES 5 and 6A).

All of these closed loops exist within an infrastructure. Each asset or asset related item within the infrastructure exists simultaneously within a point in each of the closed-loops. As a result, the asset or asset related item links or bridges the closed-loops together. In other words, the closed loops can be thought of different dimensions that are independent of one another. Note that a closed loop does not have to have a specific shape or a physical manifestation (e.g., life cycle loop – FIGURE 5).

For example, as shown in FIGURE 6A and described in Paragraph [0071], the records are linked in a dual closed-loop structure:

[0071] Now referring to FIGURE 6A, a block diagram illustrating counter-balancing closed-loops in accordance with one embodiment of the present invention is shown. Both of the features: (1) to capture data at each life cycle change 600; and (2) to link the asset information in the same fashion as the

business rules link sub-elements together 601 creates "counter-balancing, closed-loops" within the repository 111. A closed loop of information capture is created if data is put into the system at each point that the asset moves through its life cycle (procure 500, implement 501, use 502, modify 503, decommission 504 and salvage 505) (see also FIGURE 5). Likewise, a closed loop of information is created if all infrastructure elements are put into the system and linked to each other in a manner, as the assets are physically interrelated (water acquisition systems 370, water treatment facilities 372, pump stations 374 and water towers 376) (see FIGURE 4D). Having two closed loops forms a counter-balancing method that increases the accuracy of the entire infrastructure management system.

Applicant, therefore, respectfully submits that the claimed invention is an operative system that has utility when viewed in light of the specification and drawings. Accordingly, applicant respectfully submits that claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are allowable under 35 U.S.C. § 101. Applicant requests that the rejections be withdrawn.

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 were rejected in the Office Action under 35 U.S.C. § 112, first paragraph, for claiming subject matter that was allegedly not described in the specification. More specifically, the Office Action stated claims 1, 12, 20 and 32 contain the phrase "all the records are linked to one another in a dual closed loop structure" and the term "business interconnection rules" which are not recited in the original disclosure. Applicant respectfully disagrees.

As previously described, applicant describes various closed loops relating to an infrastructure throughout the specification:

(1)   a hierarchical fashion patterned after the actual connections in the infrastructure (e.g., business interconnection rules) (see e.g., Paragraphs [0004]-[0007], [0023]-[0025], [0027], [0033]-[0034], [0038], [0052], [0056], [0058]-[0063], [0066]-[0067], [0069], [0076], [0084]; FIGURES 3A, 3B, 4A, 4B, 4D and 6A);

(2)   a life cycle (see e.g., Paragraphs [0004], [0023], [0027], [0032], [0042], [0053], [0070]-[0071]; FIGURES 5 and 6A); and

(3)   a relationship to people (see e.g., Paragraphs [0004], [0023], [0035], [0038]-[0039], [0053], FIGURES 5 and 6A).

Although the term "dual closed-loop" is only specifically used in Paragraphs [0004] and [0023], the terms "two closed loops" and "counter-balancing, closed-loops" are used in Paragraph [0071] and depicted in FIGURE 6A. Moreover, the specification clearly describes and explains each of the closed loops and how they relate to the assets and asset related items within an infrastructure. The records are linked to one another in a dual closed-loop structure to accurately represent the infrastructure and increase the accuracy of the database (see e.g., Paragraph [0071] and FIGURE

6a). The Examiner suggests the records are physically arranged in a dual closed-loop structure (Office Action at 3, last paragraph). To the contrary, the records are linked together logically (e.g., relational database); not physically. As a result, the logical structure of the records can be multi-dimensional. Applicant respectfully submits that the stated interpretation of Paragraphs [0004] and [0023] in the Office Action is incorrect (Office Action at 3, last two paragraphs). Applicant, therefore, respectfully submits that the phrase "all the records are linked to one another in a dual closed loop structure" is not new matter.

In addition, applicant respectfully submits that concepts of "business interconnection rules" and "interconnection" rules are used throughout the specification. The term "business interconnection rules" refers to one type of the business rules described in the specification:

> The one or more **business rules** define how the assets and asset related items are (1) **interconnected** or (2) how one or more users use the assets and asset related items or (3) how one or more users use the information stored in the one or more data fields associated with the assets and asset related items."

(see e.g., Paragraphs [0005] (item numbers and emphasis added), [0006]-[0007], [0025]). Other descriptions of the business interconnection rules relate to representing the assets and asset related items in a hierarchical fashion patterned after the actual connections in the infrastructure (see e.g., Paragraphs [0004]-[0007], [0023]-[0025], [0027], [0033]-[0034], [0038], [0052], [0056], [0058]-[0063], [0066]-[0067], [0069], [0076], [0084]; FIGURES 3A, 3B, 4A, 4B, 4D and 6A). Applicant, therefore, respectfully submits that the term "business interconnection rules" is not new matter.

For the reasons stated above, applicant respectfully submits that claims 1-5, 10, 12-15, 17-20, 22 and 32-33 do not contain new matter. Accordingly, applicant respectfully submits that claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are allowable under 35 U.S.C. § 112, first paragraph. Applicant requests that the rejections be withdrawn.

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Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the restriction requirement. Applicant submits that claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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